Calendar No. 838

97TH CONGRESS, 2d Session | SENATE | REPORT No. 97-571

DIRECTING THE SECRETARY OF AGRICULTURE TO RELEASE ON BEHALF OF THE UNITED STATES A REVERSIONARY INTEREST IN CERTAIN LAND PREVIOUSLY CONVEYED TO THE STATE OF CONNECTICUT

SEPTEMBER 22 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, submitted the following

REPORT

[To accompany H.R. 6422]

The Committee on Agriculture, Nutrition, and Forestry, to which was referred the bill (H.R. 6422) to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SHORT EXPLANATION

H.R. 6422 directs the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut. The release would apply to a 0.93-acre tract which the State of Connecticut plans to transfer to the Ekonk Cemetery, Inc., for use as a cemetery. The condition that will be released requires that the land deeded to the State by the United States be used for public purposes and provides for a reversion of the land to the United States if at any time it ceases to be so used. Under the bill, the release will apply so long as the land is used exclusively as a cemetery, and any proceeds received by the State in return for the transfer of the land in question must be used only for public purposes. The release will not affect the interests of the United States in coal, oil, gas or other minerals reserved by the United States in the land.

BACKGROUND AND NEED FOR LEGISLATION

Certain federally owned lands acquired under the Bankhead-Jones Farm Tenant Act of 1935 were conveyed by the Federal Government to the State of Connecticut in 1954 and subsequently were included in

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the Pachuag State Forest. Section 32 of that act requires that any deed of conveyance made under title III of the act be conditioned on the land being used only for public purposes. Thus, the deed effecting the 1954 transfer contains a condition establishing the right to reversion of ownership to the United States if the land ever ceases being used for public purposes.

For approximately 20 years, the Ekonk Cemetery has been seeking an additional acre of land from the adjacent Pachuag State Forest for use as additional cemetery space. The existing cemetery is now full. The Connecticut Park and Forest Commission is favorably disposed to transfer the acre to the cemetery. However, the State's attorney general has ruled that the "public purposes" clause contained in the deed makes such a transfer impossible Therefore, legislation is necessary to enable the Secretary of Agriculture to release the State of Connecticut from the deed's reversionary condition for this parcel of 0.93 of an acre.

On July 27, 1982, Senator Christopher Dodd introduced S. 2782 which is the Senate companion measure to H.R. 6422. The House of Representatives passed H.R. 6422 on September 13, 1982.

COMMITTEE CONSIDERATION

On September 15, 1982, the committee met in open session and considered H.R. 6422. Staff explained that the bill would authorize the Secretary of Agriculture to release on behalf of the United States a reversionary interest in a 0.93-acre tract previously conveyed to the State of Connecticut. Upon release, the State of Connecticut will then transfer the land to the Ekonk Cemetery, Inc., for use as a cemetery.

Staff also advised the committee that Senator Dodd had requested consideration of the legislation, and that the U.S. Department of Agriculture had no objections to its passage.

In the presence of a quorum, the committee agreed by voice vote to report the bill to the Senate with the recommendation that it pass.

SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 6422 directs the Secretary of Agriculture to release the State of Connecticut, without consideration, with respect to a 0.93 acre of land in Windham County, Conn., from a condition contained in the deed under which the United States granted to the State certain lands in that county of which the 0.93-acre tract is a part. The release of the condition is contingent upon an agreement by the State (1) to transfer the 0.93 acre of land only to the Ekonk Cemetery, Inc., exclusively for the expansion of the cemetery, and (2) that any proceeds from such transfer be used only for public purposes. Section 1 also provides that section 32(c) of the Bankhead-Jones Farm Tenant Act shall not apply to that release. Section 1 also provides that the release will in no way affect the mineral interests in the tract reserved to the United States, and will apply only so long as the tract is used exclusively for cemetery purposes.

Section 2 of the bill contains a legal description of the 0.93-acre tract.

ADMINISTRATION VIEWS

In a letter to Chairman Helms dated August 30, 1982, Acting Secretary of Agriculture Richard Lyng stated that the Department of Agriculture had no objection to the enactment of S. 2782, the companion measure to H.R. 6422, if it were amended to recognize mineral interests that the United States may have retained in the original land conveyance. H.R. 6422, as reported by the committee, retains for the United States any mineral interests in the tract of land.

The letter to the chairman reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 30, 1982.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 2782, a bill "To direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut."

The Department of Agriculture has no objection to the enactment of S. 2782.

Section 1 of S. 2782 would direct the Secretary of Agriculture to release a condition in a deed to the State of Connecticut conveying lands in the town of Sterling, Connecticut, which requires that the conveyed lands be used for public purposes and, if not so used, that the lands would revert to the United States. It would further require the release to be contingent upon an agreement between the State and the Secretary in which the State would agree to dispose of the lands to which the release applies to the Ekonk Cemetery, Incorporated, of Sterling, Connecticut, and to use any proceeds from the disposal for public purposes. Section 2 describes the lands to which the release would apply, indicating that 0.93 acres are involved.

The 0.93-acre tract is part of a 43-acre tract acquired by the Federal Government under the Bankhead-Jones Farm Tenant Act of 1937. The Government quitclaimed this tract and several others totaling 1,735.30 acres located in the Town of Sterling to the State on November 18, 1954. The land conveyed to the State was one of some 258 land utilization projects in 45 States established on 11.3 million acres of land acquired between 1933 and 1946. Most of the projects have subsequently been granted, sold, or exchanged to State and local governments under the authority of section 32(c) of the 1937 Act, which requires that the property be used for public purposes.

We note that the bill does not address any mineral interests that may remain with the United States in the 0.93-acre tract. If the United States had any mineral interests, the deed would normally have retained to the United States 75 percent of such interests. We have no objection to the bill as drafted if it is amended to recognize any mineral interests that the United States may have retained in the 1954 deed. We suggest that the Committee contact the Department of the Interior to resolve any questions concerning mineral interests.

Since the bill meets our concern that any proceeds from the conveyance would be used for public purposes, we have no objection to its enactment. We note that Congress has, in several instances in recent years, granted similar relief to that provided by S. 2782.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.

COST ESTIMATE

I.

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the committee estimates that only nominal costs will be incurred by the Federal Government as a result of the enactment of this legislation.

II.

The cost estimate prepared by the Congressional Budget Office is consistent with the committee's estimate. The letter to Chairman Helms from that Office reads as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 20, 1982.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6422, a bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut, as ordered reported by the Senate Committee on Agriculture, Nutrition and Forestry, September 15, 1982.

This bill directs the Secretary of Agriculture to release approximately one acre of land in Sterling, Connecticut from a public purpose reversionary clause in order to allow the State of Connecticut to convey this land to the Ekonk Cemetery, Incorporated. The bill stipulates that all proceeds to the State of Connecticut from this conveyance are to be used exclusively for public purposes. Based on this review, it appears that no cost to the federal government will be incurred as a result of enactment of this legislation.

Sincerely,

ALICE M. RIVLIN, *Director.*

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact that would be incurred in carrying out H.R. 6422.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses; nor will there be any effect on personal privacy since the purpose of the bill is only to direct the Secretary of Agriculture to release a reversionary interest, held by the United States, in a 0.93-acre tract of land. A small amount of paperwork will result from the enactment of H.R. 6422 in the form of legal documents that must be filed to consummate the release.

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